

State of Election Administration Legislation 2023

BALLOT**PEDIA**



Executive Summary

This report contains our observations and analysis of the election-related state legislation we tracked in 2023. This report updates trends tracked and takeaways from the June 2023 **State of Election Administration [report](#)**, which marked the one-year anniversary of Ballotpedia's Election Administration Legislation Tracker.

State legislators introduce thousands of bills each year affecting the way Americans vote and how our elections are governed. This report provides a neutral and authoritative summary of that activity.

In 2023, legislative sessions saw a 25% increase in total election-related legislation across the country from last year. Republican lawmakers (1,406 bills) introduced slightly more legislation than Democratic (1,351) legislators this year, while on a per-legislator basis, Democratic lawmakers were more likely to introduce an election-related bill than Republicans. Democrats hold 44.3% of state legislative seats nationwide and introduced 0.41 bills per legislator, while Republicans hold 54.5% of seats and introduced 0.35 bills per legislator.

While both Democratic and Republican trifectas adopted more new laws in 2023 than in 2022, Republican-sponsored legislation (13%) was more likely to become law than Democratic-sponsored legislation (9.1%). These numbers are similar to last year when Republican trifectas (9.8%) passed a greater portion of introduced bills than Democrats did (7%). Bipartisan legislation was significantly more likely to become law than partisan legislation in both years, at 23.1% this year and 17% in 2022.

In June, we covered notable 2023 legislative activity across several policy areas, including ranked-choice voting, private funding bans, election audits, photo ID requirements for voting, and noncitizen voting. Since the publication of that report, lawmakers have continued to adopt new laws in these areas, particularly related to ranked-choice voting and the funding of election administration.

We also highlighted that Republican trifectas had approved significantly more legislation than their Democratic counterparts by mid-year. Since June, that gap has closed, but Republican controlled states still lead their Democratic, and divided government counterparts. The average Republican trifecta enacted 9.4 bills this year, Democratic trifectas averaged 7.8 new laws, while states with divided governments adopted 4.4 bills on average.

Dig in below for details on key election policy and administration trends from state legislatures!

The data in this report covers Jan. 1 through Dec. 1, 2023.

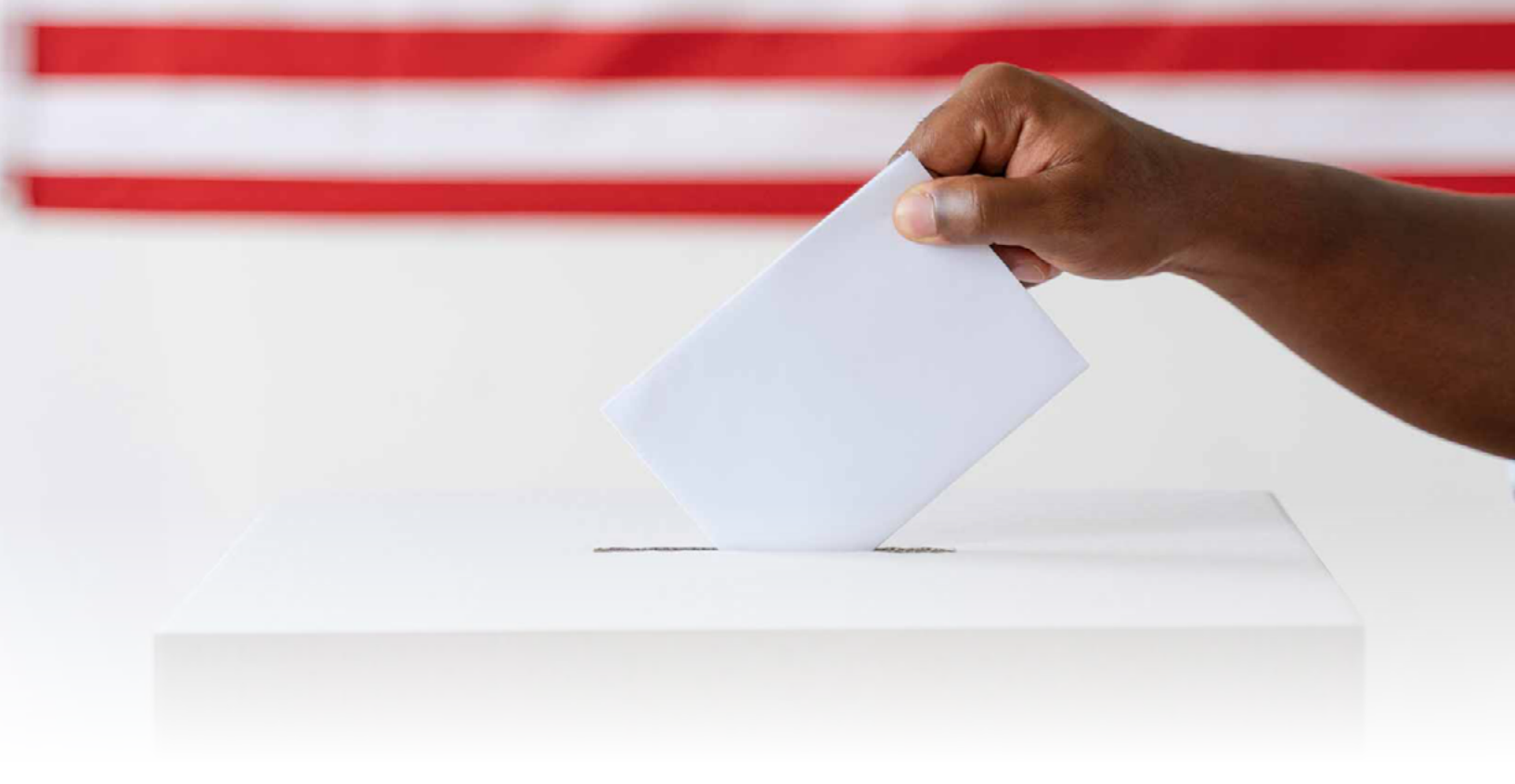


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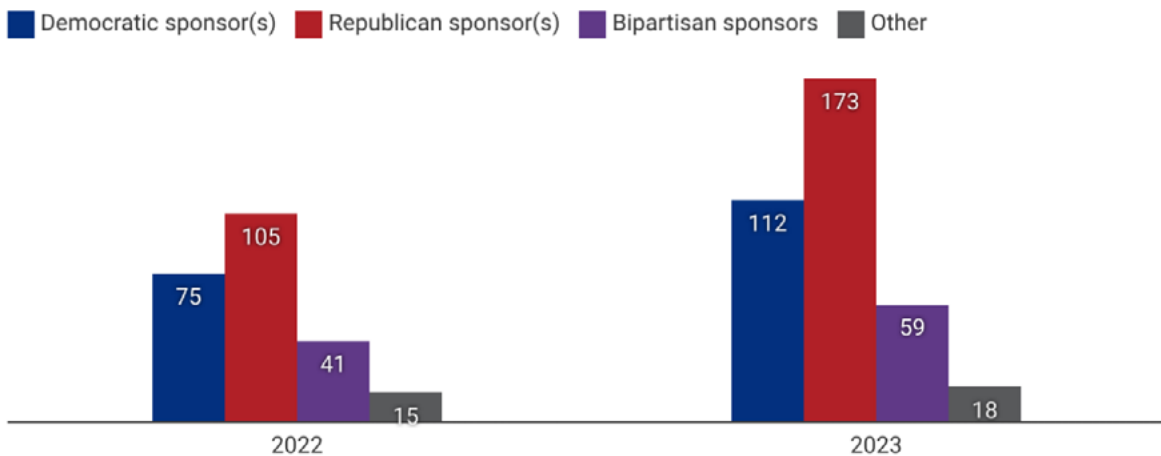
By the numbers

Figures for 2023 cover January through November. Figures from 2022 cover the whole year.

| | 2023 | 2022 |
|-------------------------|-------|-------|
| 1. Bills tracked | 3,199 | 2,520 |
| 2. Bills enacted | 379 | 236 |

Enacted bills by sponsor party

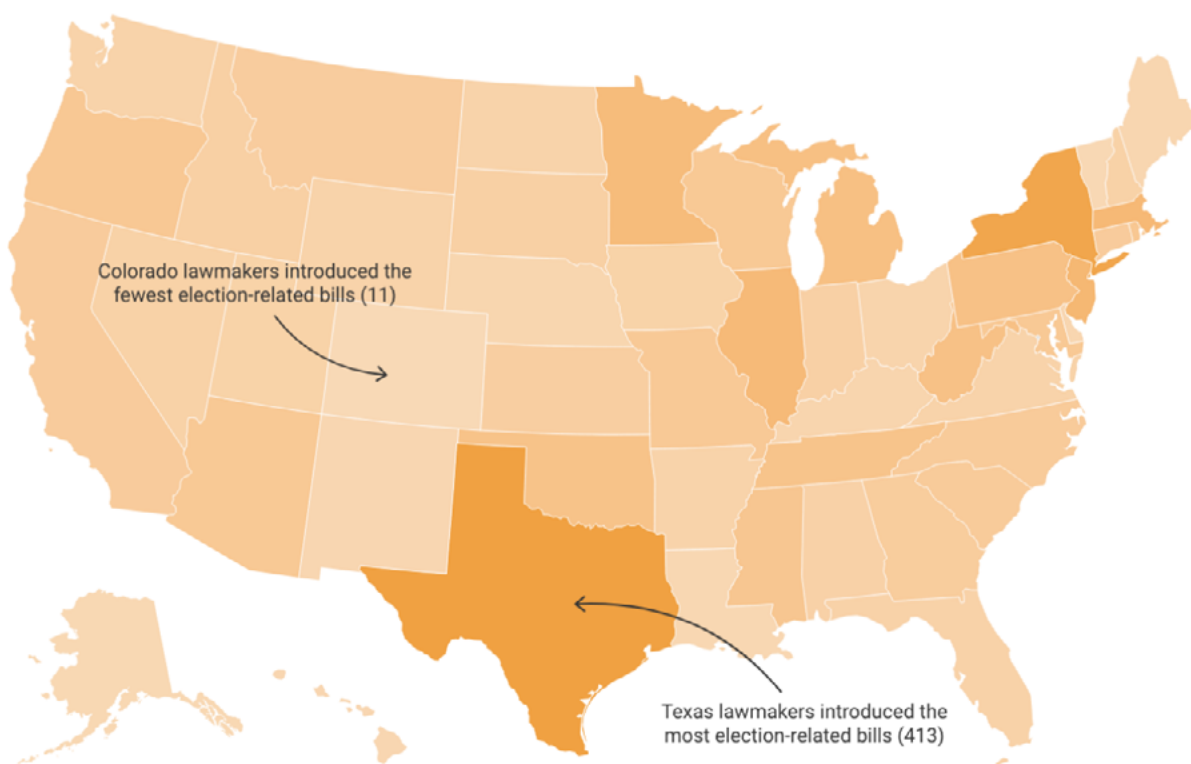
This chart shows the number of bills enacted as of December 1, 2023, compared to the number of bills enacted in 2022 legislative sessions, broken down by sponsor party affiliation.



| | | |
|---|-----|----|
| 3. Bills enacted by Democratic trifectas : | 124 | 78 |
| 4. Bills enacted by Republican trifectas : | 207 | 99 |
| 5. Bills enacted by divided governments : | 48 | 59 |
| 6. Bills vetoed : | 39 | 17 |

| | 2023 | 2022 |
|--|--------------|-------|
| 7. Bills with Democratic sponsorship | 1,351 | 1,102 |
| 8. Bills with Republican sponsorship | 1,406 | 1,097 |
| 9. Bills with bipartisan sponsorship | 268 | 232 |
| 10. Bills with other sponsorship: (including committee) | 174 | 89 |

Number of election-related bills introduced by state:



About Ballotpedia's Election Administration Legislation Tracker

Ballotpedia launched our Election Administration Legislation Tracker in June 2022. The tracker is a best-in-class resource to help voters, journalists, researchers, and activists quickly and easily track election-related legislation through a portal on our website.

This user-friendly tracker covers thousands of election-related bills in state legislatures and organizes them by topic with neutral, expert analysis from Ballotpedia's election administration researchers.

In addition to providing daily updates on the bills we track, we summarize each bill in neutral language for a general audience and add category tags that allow for trend analysis. We also publish a weekly email, [Ballotpedia's Ballot Bulletin](#), that delivers the latest updates on election policy. The Ballot Bulletin tracks developments in election policy around the country, including legislative activity, big-picture trends, and recent news.

Because it's from Ballotpedia, our tracker is guaranteed to be neutral, unbiased, and nonpartisan.

Keyword search

Current bill status

Order by

Bill number

Topic [\(Topic definitions\)](#)

Session year

Most recent action

Sponsor Party

State

Trifecta status

Methodology

Ballotpedia's comprehensive Election Administration Legislation Tracker is the basis for the data and analysis in this report.

Using the tracker, we capture election-related legislation across all 50 state legislatures and provide real-time updates as bills progress. To do this, we use:

- **Automated keyword searches**
- **Manual bill review**
- **Real-time refinements based on keyword results and news monitoring**

Once relevant bills are identified and added to the tracker, our team manually reviews each bill a second time. We then categorize each bill by policy topic area and summarize each bill in neutral, easy-to-understand language.

Our bill tagging system—which includes almost 100 tags in more than 20 policy areas—allows us to track policy changes and analyze trends in election administration legislation.



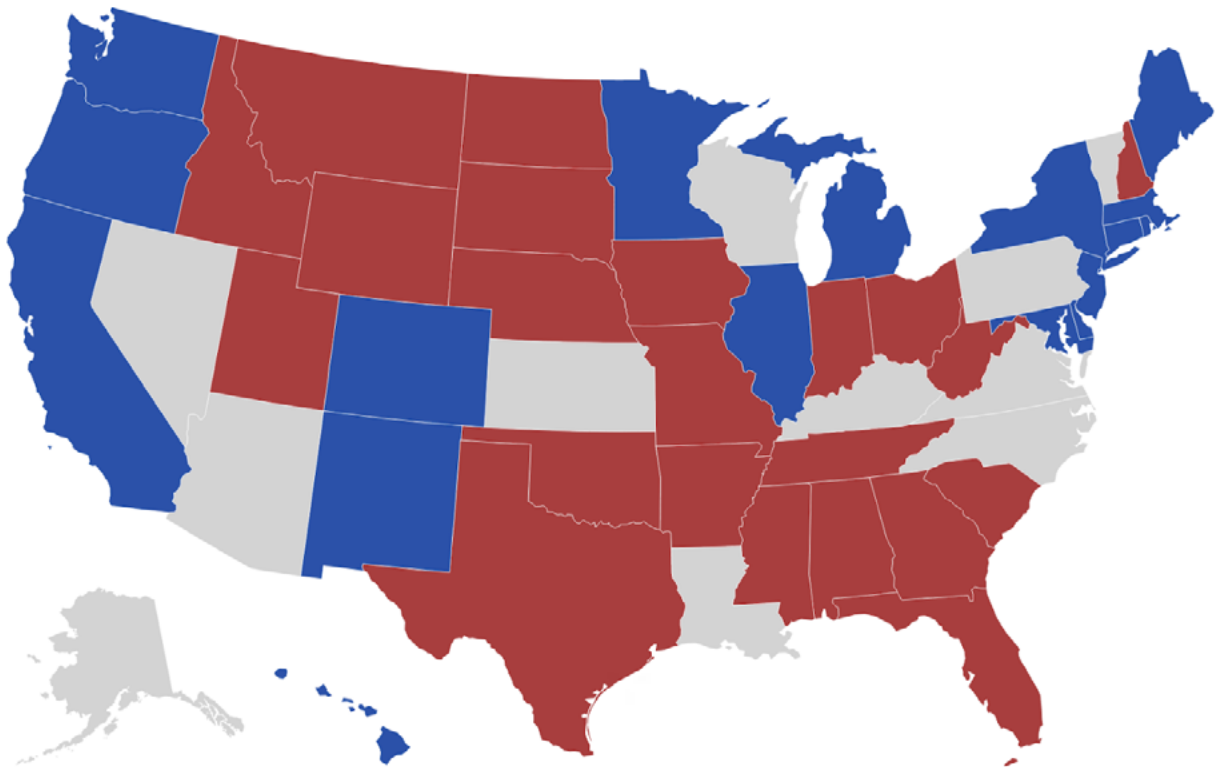
Trifectas

The political makeup of a state's government affects the state's election policy, and a state's trifecta status can influence what policies legislators choose to investigate, amend, and adopt.

State government trifecta is a term to describe single-party government, when one political party holds the governorship and majorities in both chambers of the state legislature. As of Dec. 1, 2023, there are 22 Republican trifectas, 17 Democratic trifectas, and 11 divided governments where neither party holds trifecta control.

This map shows the trifecta status of each state as of 2023:

- Democratic trifecta
- Divided government
- Republican trifecta



Tracking trends

In June, we highlighted seven trends that had caught our attention in the first half of the year. Two of those, ranked-choice voting and the private funding of election administration, stood out in the back half of the year with three bills related to private funding, and four ranked-choice voting bills adopted since June. Each topic will be the subject of a legislatively referred statewide ballot measure in the upcoming year.

Find updates on these, and the other five mid-year trends below.

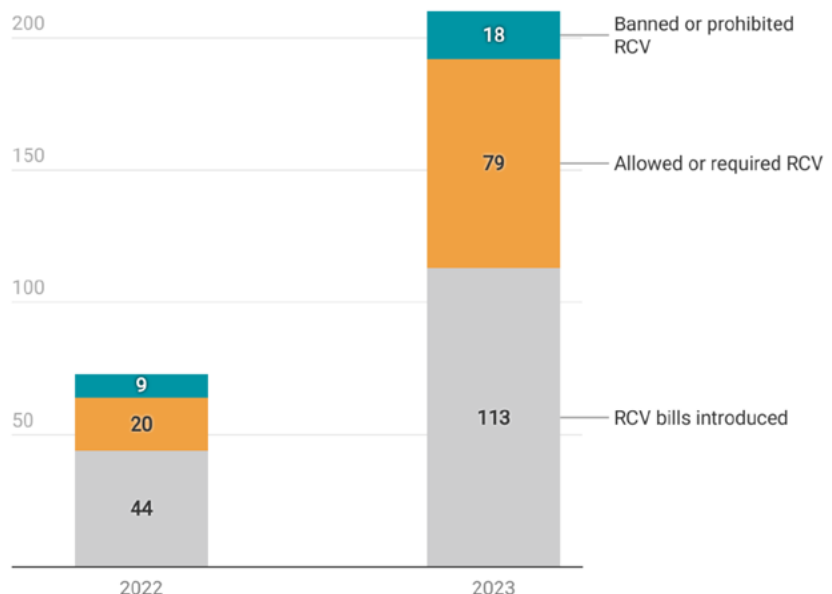
1

More RCV bills and bans considered in 2023 legislative sessions than previous years

State legislatures considered more than double the number of bills related to ranked-choice voting (RCV) in 2023 than the previous year.

Legislators considered 44 RCV related bills in 2022, compared to 113 this year. Seventy-nine of the 113 total bills introduced this year either allowed or required new uses of RCV. The number of measures prohibiting RCV has also doubled, from nine bans or repeals introduced in 2022 to 18 such bills this year.

Bills related to ranked-choice voting, 2022-2023



Idaho, Montana, and South Dakota adopted new RCV bans—joining Florida and Tennessee, which were the first states to do so in 2022. Republican trifectas controlled all five of these states when these laws were passed. Similar Republican-sponsored bills advanced in other states, as well: Arizona HB2552 (vetoed), Montana HB598, North Dakota HB1273 (vetoed), and Texas SB921 (passed one chamber; died).

Republican lawmakers in Alaska and Maine, where ranked-choice voting has been implemented for some federal and state-level elections through statewide ballot measures, introduced legislation that would repeal RCV. As of Dec. 1, 2023, none of this legislation had advanced out of committee.

2

More bills introduced in 2023 than in 2022 that would make ballot access more difficult for political parties

Gov. Tim Walz (D) signed Minnesota HF1830—an omnibus bill including a provision changing the major political party vote requirement from 5% to 8%—on May 24. According to Richard Winger of Ballot Access News, Minnesota’s requirement was one of the most difficult in the country, with 2% being the median requirement. Virginia and New Jersey have a 10% requirement, while Alabama’s is 20%.



Lawmakers introduced more bills this year than last year that would make it more difficult for political parties to have their candidates placed on election ballots.

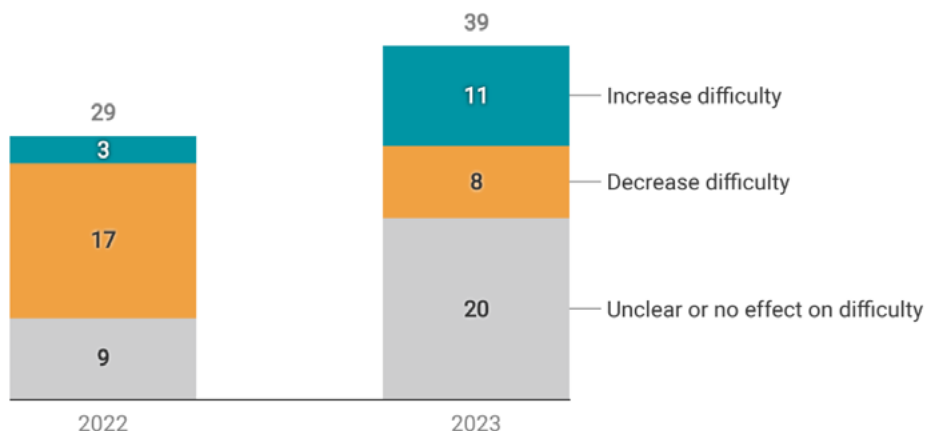
This year, we’ve tracked 39 party ballot access bills. Of those, we determined that 11 bills—introduced in Colorado, Massachusetts, Minnesota, Montana, Nevada, Pennsylvania, and Texas—would make it more difficult for parties to qualify for ballot access, while eight—in Arkansas, Indiana, Maine, Massachusetts, Montana, New York, and West Virginia—would ease ballot access requirements for parties.

In 2022, we tracked 29 party ballot access bills. We determined that 17 would have eased ballot access requirements. Three bills, a set of companion bills in Iowa, would have increased requirements for non-party political organizations (political organizations not meeting the conditions to be a political party) to nominate a candidate at a nominating convention.



Gov. Janet Mills (D) signed Maine LD769 on July 7. The bipartisan sponsored bill reduced the required number of voters, from 10,000 to 5,000, enrolled in a minor party for that party to be able to seek official party status.

Bills affecting access requirements for political parties, 2022-2023



3

Nearly 100% increase in the number of bills introduced on the consolidation of election dates, and more states eye school board election changes

As of Dec. 1, 14 states were considering bills modifying school board election dates to coincide with other local or statewide elections, up from two in 2022, with Republicans sponsoring nearly every such bill in both years. North Carolina was the only state that eliminated some odd-year school board elections through legislation, doing so only in specific localities.

In total, state legislators introduced 58 bills that would consolidate permissible election dates. Consolidation election dates means moving off-cycle elections to coincide with other elections, whether from an odd to an even-year or within the same year. Eighteen such bills were introduced in 2022.

08

Five states passed 10 bills consolidating election dates within a single year, whether in an even or odd year. In Idaho, H138 consolidated the presidential primary with the regular statewide primary.

4

Number of bills related to private funding of election administration drops as majority of GOP states have already passed bills

Fewer states considered new bans on the private funding of election administration than in 2022, but several states adopted new laws and amendments. Heading into 2023, 22 of the 28 states where the GOP controls both chambers of the legislature had already enacted such bills over the past two years. Three of the remaining six states enacted bans this year – Montana and North Carolina did so through legislation, while Louisiana voters approved a legislatively referred ballot measure.

Four other states – Arkansas, Georgia, Idaho and Oklahoma – amended their existing bans on the private funding of election administration, while Wisconsin lawmakers passed the second consideration of a constitutional amendment that would ban the private funding of elections. Wisconsin voters will decide on the amendment in 2024.

5

New ballot collection bills make mostly small changes, several states considering new restrictions and penalties

Eleven states considered legislation on ballot collection, or ballot harvesting, and three states enacted bills. In 2022, 15 states considered such bills, and bills in seven states were approved.

While most of the bills introduced this year would make minor changes to existing laws, some states are considering more substantial changes. Bipartisan bills in Rhode Island and Wyoming, two states that do not currently specify whether someone may return ballots on behalf of another voter, would have added restrictions to ballot collection. Republican-sponsored bills in three states, Nebraska, Oregon, and Virginia, that currently allow voters to choose someone to return their ballot, would have narrowed or limited the authorized individuals who may return another voter's ballot.

Of the 22 states with a Republican trifecta, 11 states specify or otherwise limit who may return another voter's absentee ballot, while four others do not have any law related to ballot collection. Of the 17 Democratic trifecta states, three specify or otherwise limit who may collect and return absentee ballots, while five states' statutes do not reference ballot collection.

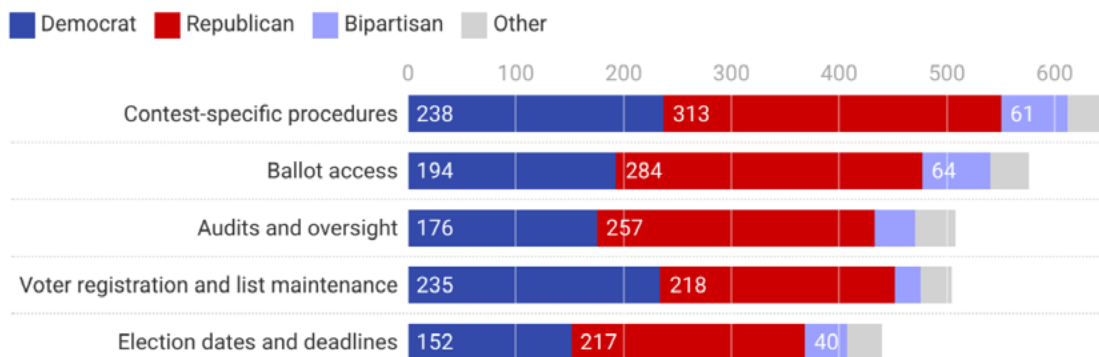
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Bills related to contest-specific procedures are most commonly introduced and most commonly enacted

The most common topic of election-related legislation was contest-specific procedures, followed by *ballot access*, *audits and oversight*, *voter registration and list maintenance*, and *election dates and deadlines*.

Election-related bills by subject and sponsorship, 2023

This chart shows the top-five active bill subjects in 2023 broken down by partisan sponsorship.



Current as of December 1, 2023

Using the tracker, we capture election-related legislation across all 50 state legislatures and provide real-time updates as bills progress. To do this, we use:

- **Contest-specific procedures** include bills that deal with specific elections or types of election, such as special and municipal election procedures.
- **Ballot access** deals with procedures for accessing the ballot for candidates, parties, and ballot measures.
- **Audits and oversight** contains any legislation dealing with post-election audits, creating or modifying oversight authorities, poll observer training, and more.
- **Voter registration and list maintenance** includes bills that establish or modify processes for maintaining voter roll accuracy or deal with the voter registration process, including deadlines.

- **Election dates and deadlines** consist of any bill that changes an election date or that changes an administrative deadline.

Looking at the most commonly enacted bill topics, the list remains largely the same as that for introduced bills except for the substitution of counting and certification for election dates and deadlines.

Republican lawmakers led the way in total bills enacted in each of the top-five topics:

- **Contest-specific procedures:** Republican legislators sponsored 58 of the 108 adopted bills (53.7%), while Democratic legislators sponsored 25 bills (23.1%). Sixteen enacted bills (14.8%) had bipartisan sponsorship.
- **Election dates and deadlines:** Republican legislators sponsored 43 of the 94 enacted bills (45.7%), Democratic legislators sponsored 30 enacted bills (31.9%), and 17 enacted bills (18.1%) had bipartisan sponsorship.
- **Audits and oversight:** Republican legislators sponsored 38 of the 87 approved bills (43.7%), Democratic legislators sponsored 26 (29.9%), and 13 enacted bills (14.9%) had bipartisan sponsorship.
- **Ballot access:** Republican legislators sponsored 33 of the 71 (46.5%) new acts, while Democratic legislators sponsored 16 of the enacted bills (8.5%), and 16 enacted bills also had bipartisan sponsorship.
- **Counting and certification:** Republican legislators sponsored 25 of the 52 enacted bills (48.1%), Democratic legislators sponsored 18 enacted bills (34.6%), and five enacted bills (9.6%) had bipartisan sponsorship.

State lawmakers introduced 167 voter list maintenance bills. Twenty-three became law and two were vetoed, both in Arizona. Of the 23 enacted bills, 16 became law in Republican trifecta states, four in Democratic trifectas, and three in states with divided government.

Included among voter list maintenance bills were efforts in Texas and Arizona to withdraw from participation in the Electronic Registration Information Center (ERIC). ERIC is a multi-state voter list maintenance compact created by seven states in 2012. At its height, 33 states were participating members in ERIC.

Legislators in Texas and Arizona passed bills that would effectively withdraw their respective states from ERIC. Election administrators in eight other states withdrew their states from ERIC this year, but the efforts to withdraw in Texas and Arizona were the only ones to originate from state legislation.

Of the two states, only Texas ultimately resigned after Texas Gov. Greg Abbot signed SB1070 into law on June 18. The bill included provisions that made compliance with ERIC's bylaws effectively impossible and directed the Texas Secretary of State to develop a new voter registration data-sharing compact, or find a new program with annual dues less than \$100,000. Texas submitted its resignation from ERIC on July 20.

On May 26, Arizona Gov. Katie Hobbs (D) vetoed SB1135, which would have withdrawn that state from ERIC.

Separately, Oklahoma, which is not currently a member of ERIC, enacted a bill in May permitting the state to join a multi-state voter list maintenance organization, such as ERIC, but which included provisions that would effectively preclude Oklahoma from joining ERIC. Finally, California legislators are still considering a bill that would require the state to apply for ERIC membership.

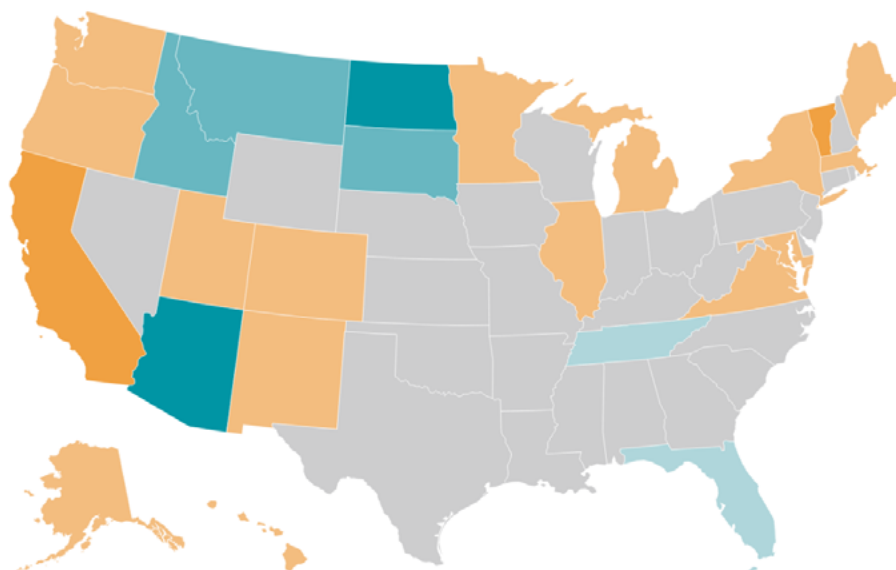
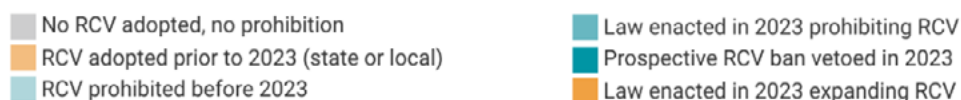
Specific policy areas

The final section of this report includes current state election policy and notable 2023 legislative activity across several policy areas.

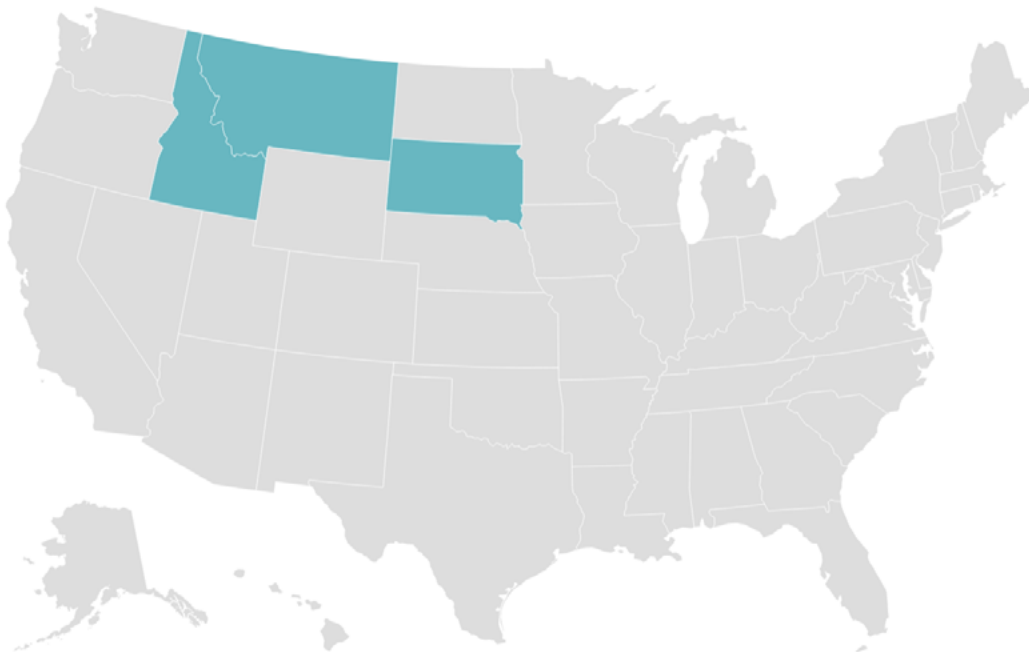
Ranked-choice voting (RCV) is an electoral system in which voters rank candidates in order of preference on their ballots. If a candidate wins a majority of first-preference votes, that candidate is declared the winner. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the next-preference choices indicated on those ballots. A new tally is conducted to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.

Heading into 2023, 17 states had adopted RCV voting either on the state or local level, while two states prohibited RCV. In total, Democrats (68 bills) introduced more than twice the number of RCV related bills than Republicans (25) did this year. Three states – Idaho, Montana, and South Dakota – passed Republican sponsored bills prohibiting RCV this year. Two other Republican sponsored bans were vetoed in Arizona and North Dakota. Two states, California and Vermont, expanded the use of RCV through Democratic sponsored legislation. Finally, Oregon lawmakers referred a ballot measure to the state's voters which proposes using ranked-choice voting statewide.

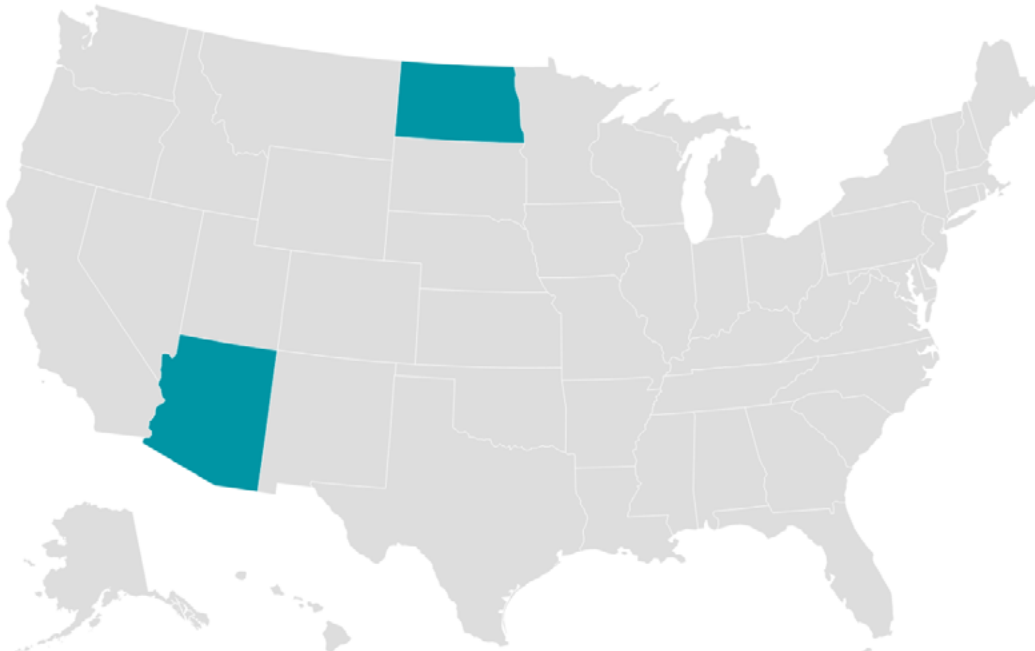
Status of ranked-choice voting laws as of December 2023



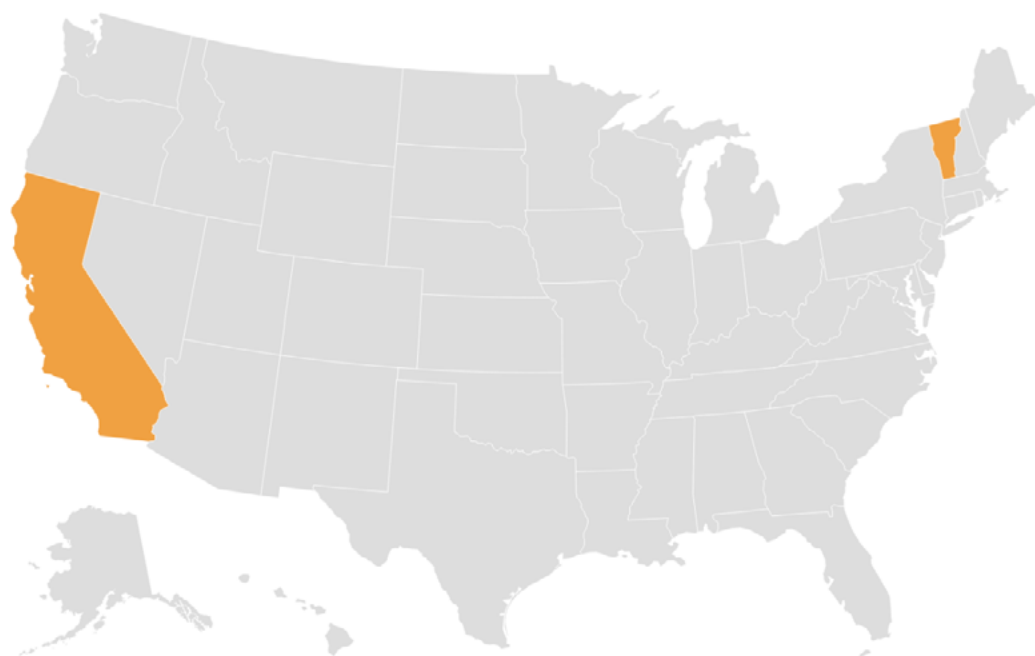
Law prohibiting RCV enacted in 2023



Prospective RCV ban vetoed in 2023

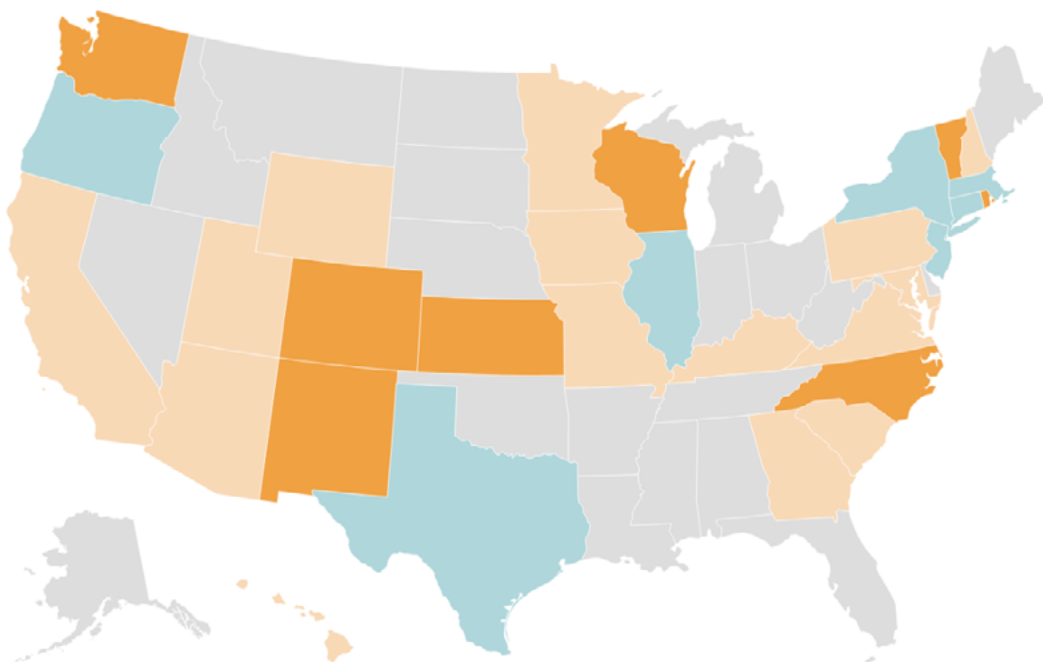


Law expanding RCV (local) enacted in 2023

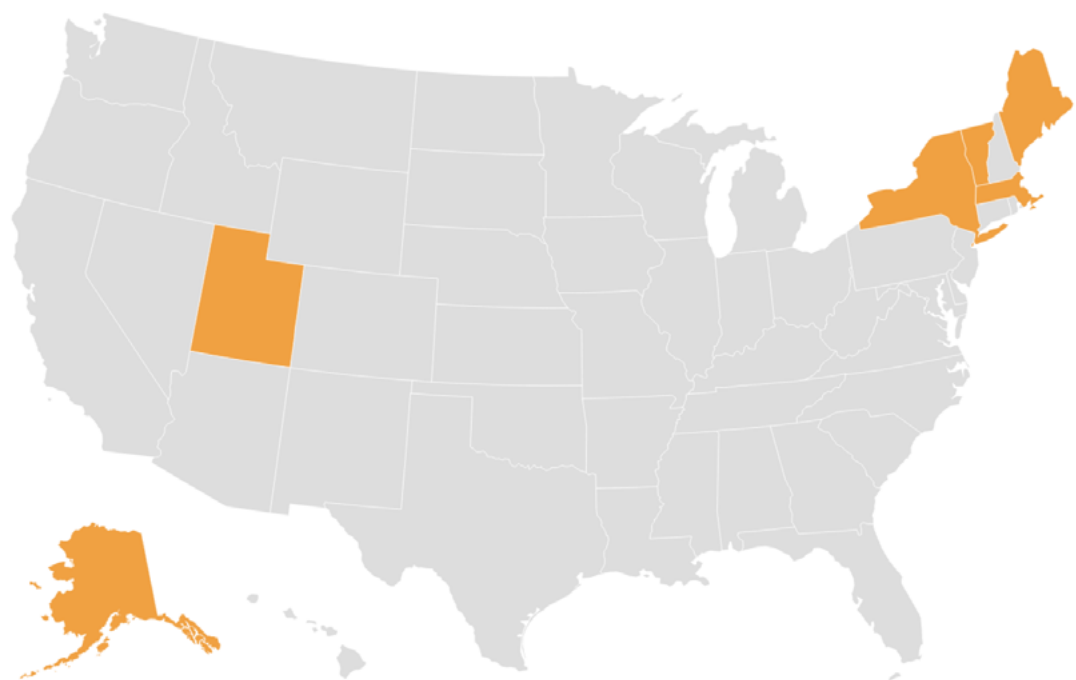


Bill allowing or requiring new use of RCV introduced in 2023

- Bill(s) introduced requiring use of RCV
- Bill(s) introduced allowing use of RCV
- Bills introduced in both categories

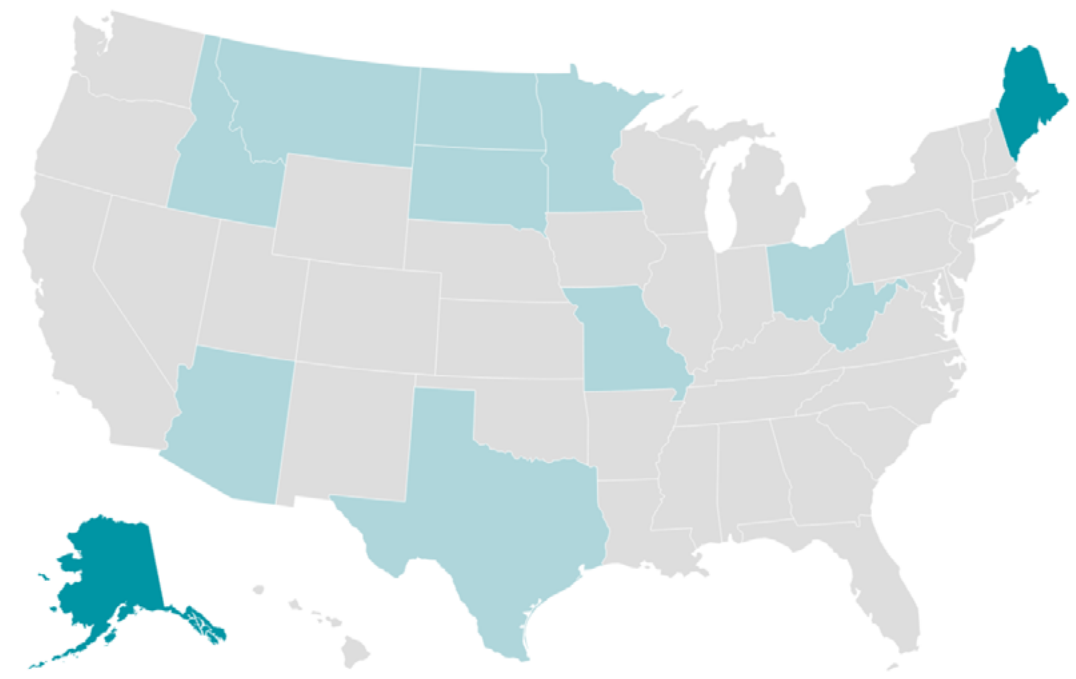


Bill amending existing RCV law introduced in 2023



Bill repealing or prohibiting use of RCV introduced in 2023

Repeal Prohibit



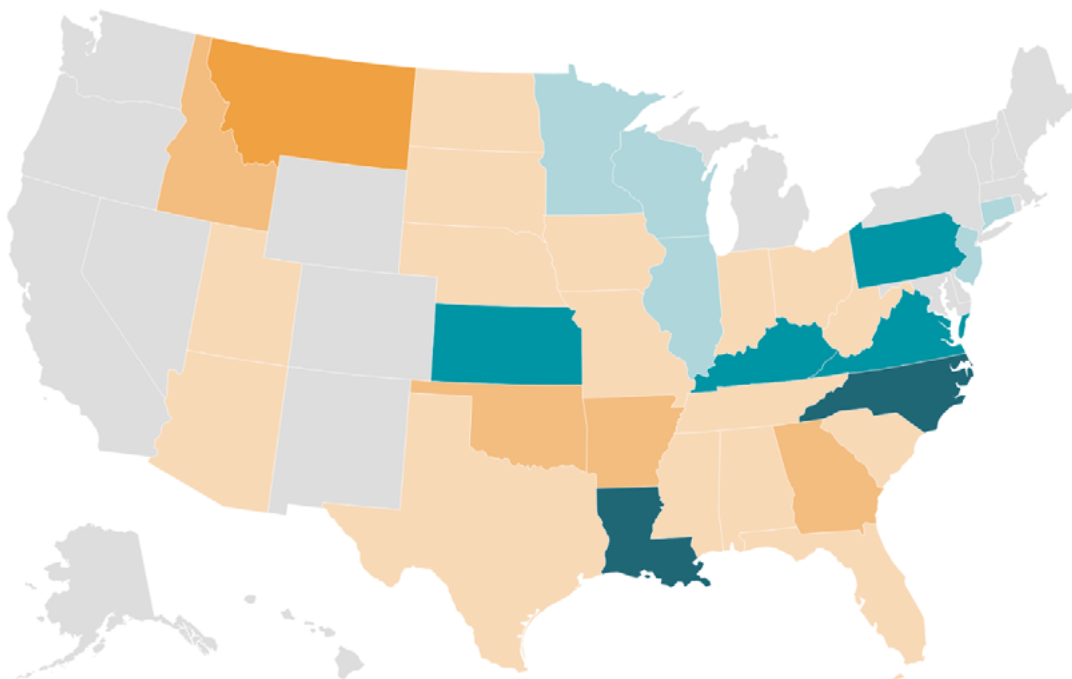
Private funding bans

The **private funding** of election administration refers to the practice of nonprofits, private organizations, or individuals providing funding to election officials for election administration purposes. The debate over such funds largely began as a result of a series of donations by individuals and nonprofits made ahead of the 2020 general election.

From 2021 to 2022, 24 states banned using private funds for election administration expenses. Montana and North Carolina lawmakers passed bills banning private funding this year. Louisiana adopted a ban on private funding after voters approved a legislatively referred ballot measure. Finally, Wisconsin lawmakers passed the second consideration of a constitutional amendment that would ban the private funding of elections. Wisconsin voters will decide on the amendment in 2024.

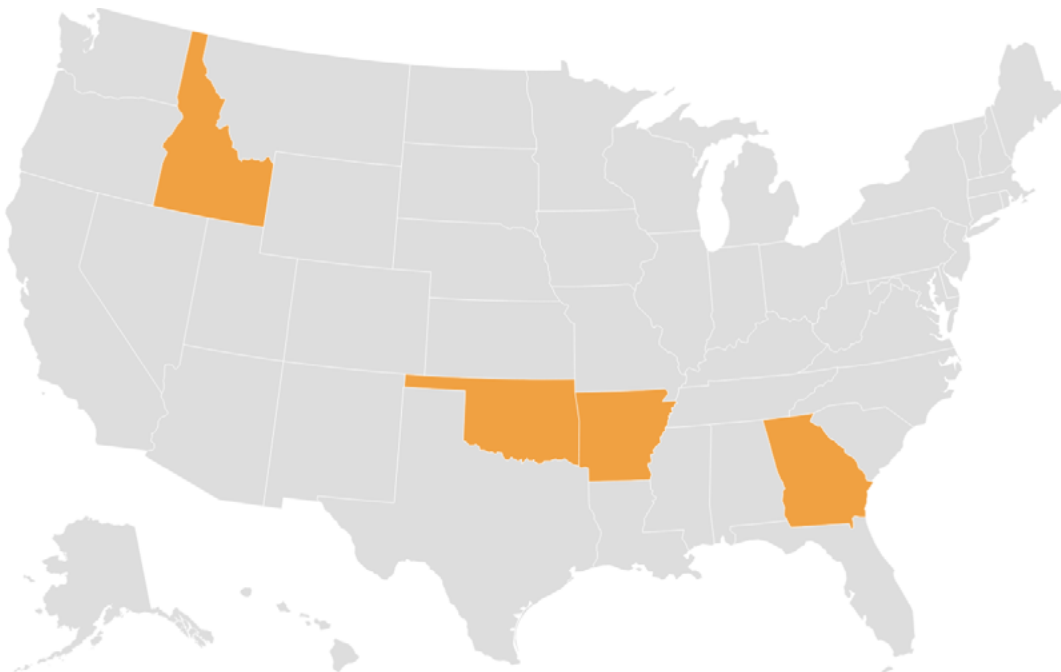
Status of laws governing private election administration funding as of December 2023

Enacted by a Republican trifecta Amendment to a ban enacted by a Republican trifecta New ban enacted by a Republican trifecta New ban enacted by divided government Enacted by divided government New ban considered during 2023 session

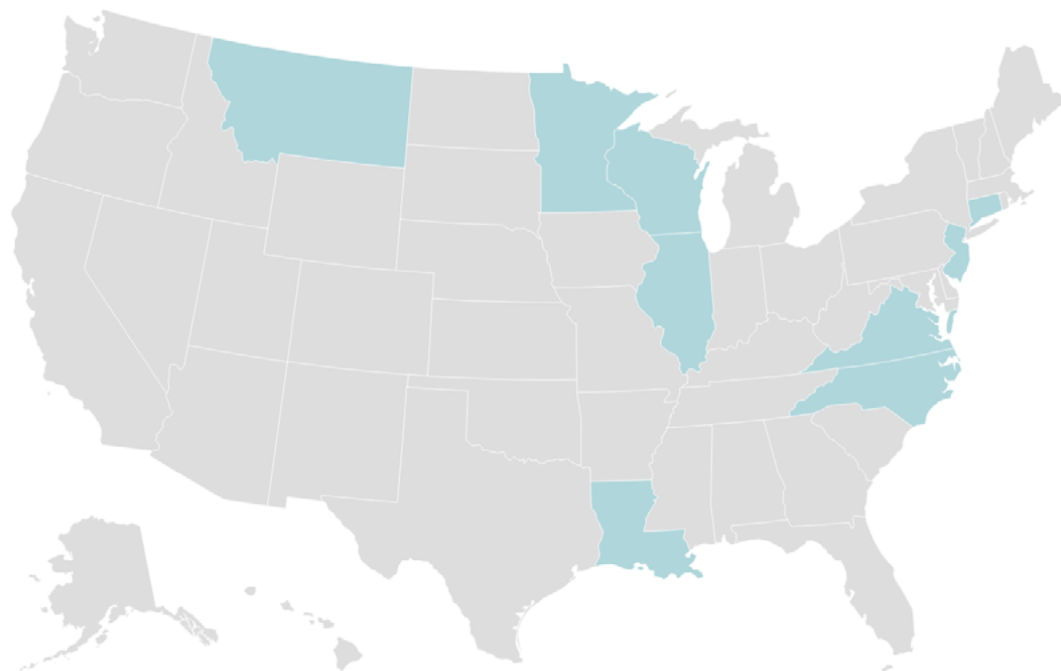


Democratic trifectas: CA, CO, CT, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NY, OR, RI, WA
Republican trifectas: AL, R, FL, GA, ID, IN, IA, MS, MO, MT, NE, NH, ND, OH, OK, SC, SD, TN, TX, UT, WV, WY

Ban on private election administration funding amended in 2023



Bill banning private election administration funding introduced in 2023



Election audits

There are two types of post-election **audits**: audits of election results—which include traditional post-election as well as risk-limiting audits—and procedural audits. Procedural audits may include a systematic review of voting equipment, performance of the voting system, duties of election officials and workers, ballot chain of custody, or other oversight mandated by law. The scope of procedural audits varies by state.

Audits of election results check that election results a state's voting system tallies match results from paper records, such as voters' paper ballots or electronic voting machines' paper records. Typically, traditional post-election audits involve recounting ballots and comparing the results to those of the state's voting system. Risk-limiting audits are similar to traditional audits but use statistical techniques to review a random sample of votes cast.

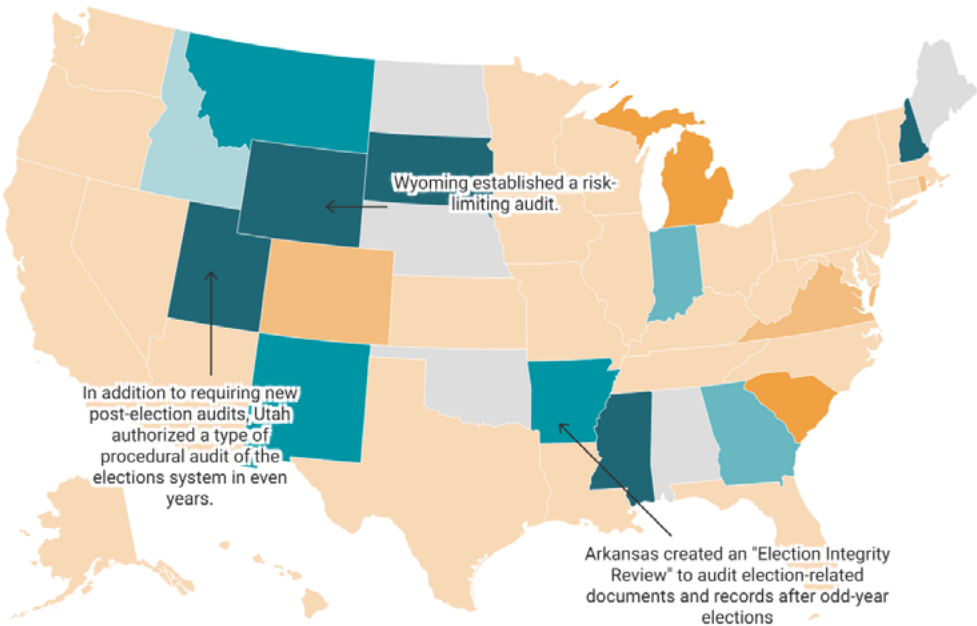
Heading into 2023, 35 states and the District of Columbia required traditional post-election audits, and three states required risk-limiting post-election audits. Three states required procedural post-election audits, but not a traditional or risk-limiting audit. Numerous states with traditional or risk-limiting audit requirements also had provisions related to procedural audits. Finally, eight states had a risk-limiting audit pilot program (see map below).

Fifteen states approved new election audit laws in 2023. Four of these states enacted new post-election audit requirements, while nine states amended or expanded existing audit requirements. Georgia and Indiana modified risk-limiting audit pilot programs.

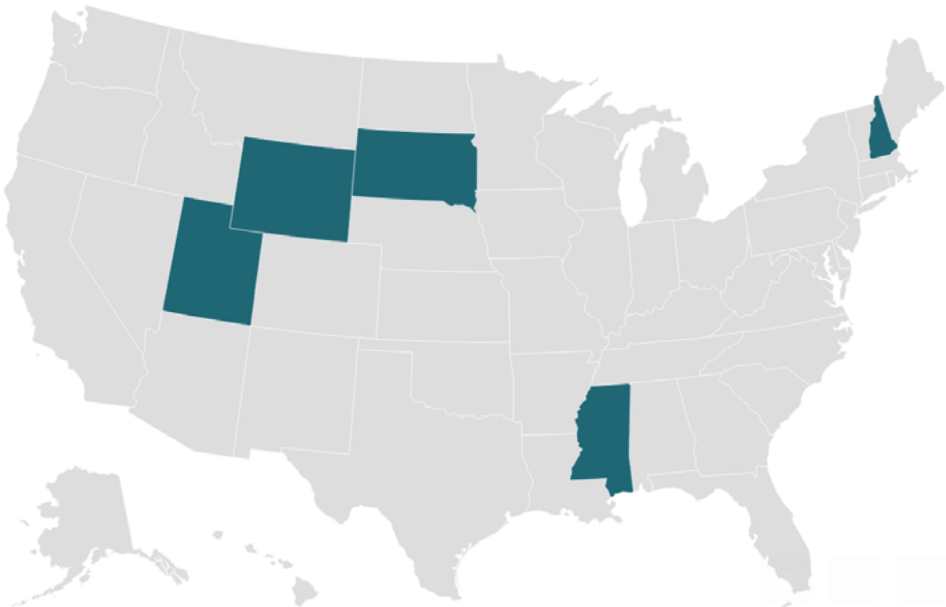


Status of laws governing post-election audits as of December 2023

- Requires traditional post-election audits
- Requires risk-limiting post-election audits
- Requires procedural post-election audits only
- Amended law related to post-election audit in 2023 (traditional or risk-limiting)
- Amended existing risk-limiting audit pilot program in 2023
- Expanded existing traditional post-election audit requirements in 2023
- Established a new post-election audit requirement in 2023 (traditional or risk-limiting)

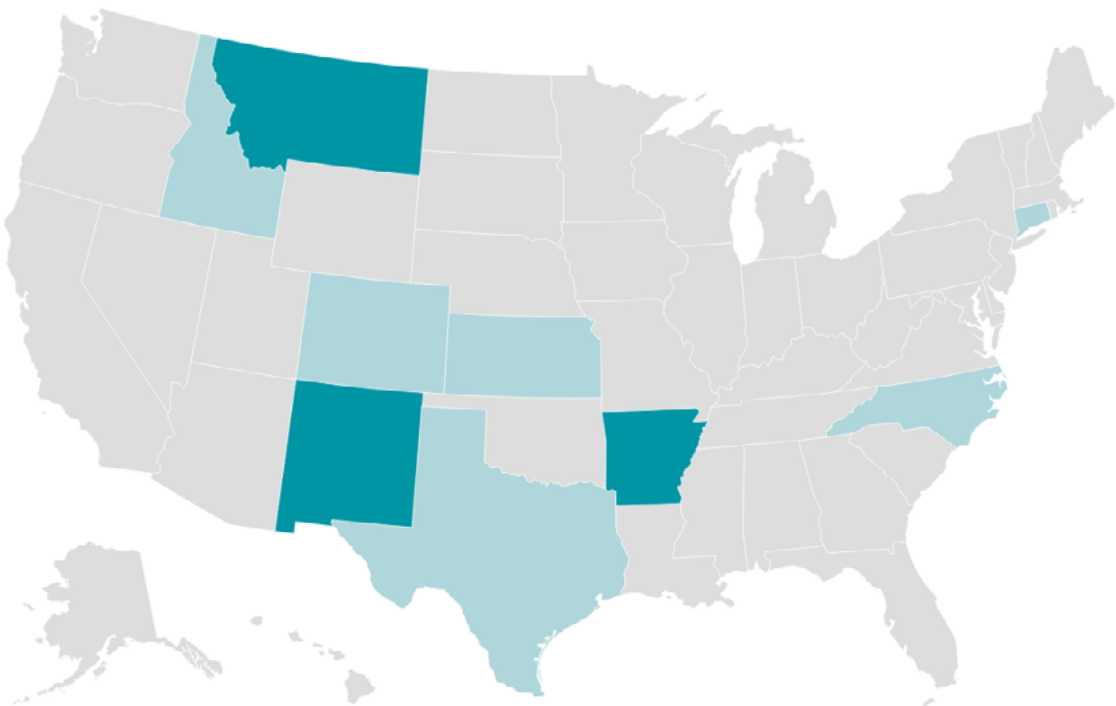


Law establishing post-election audits enacted in 2023



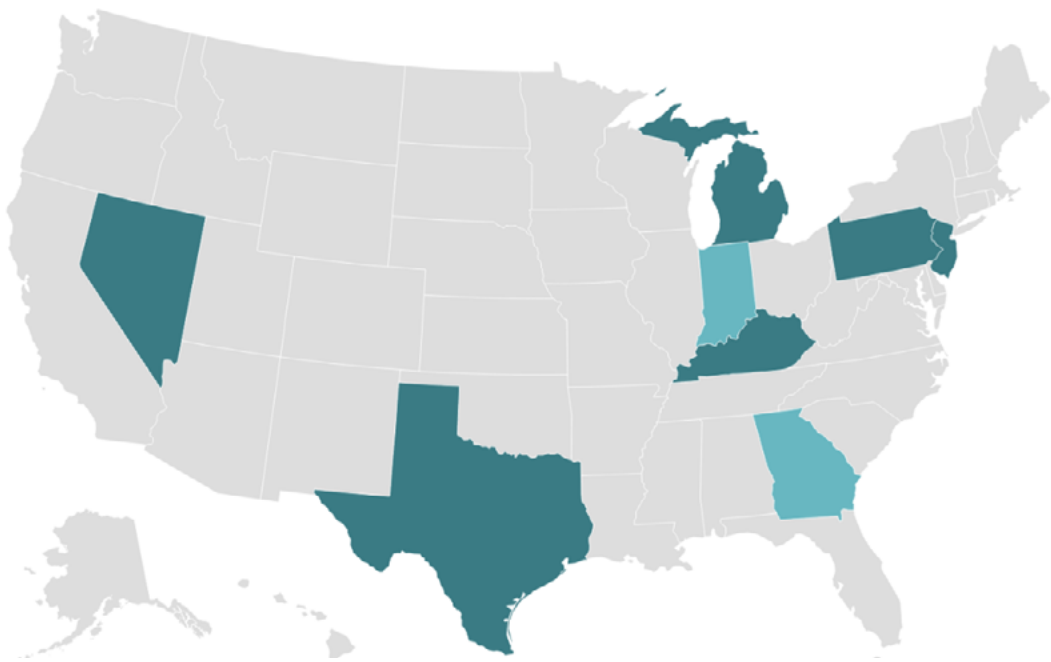
Law governing post-election audits amended or expanded in 2023

- Amended law related to post-election audit in 2023
- Expanded existing traditional post-election audit requirements in 2023



Status of risk-limiting audit pilot programs in 2023

- States with risk-limiting audit pilot programs as of 2023
- States that amended existing risk-limiting audit pilot program in 2023



Qualifications for election auditors

In addition to bills addressing requirements for post-election audits, we also followed six bills on qualifications for election auditors this year:

- [Michigan SB570](#) prohibits a county clerk who “is an officer or member of the governing body of a national, state, or local political party, or is a precinct delegate of a political party” from conducting post-election audits required by law. The bill requires the secretary of state to train an appointee of such clerks to conduct the audit. Gov. Gretchen Whitmer (D) signed the bill on November 29, 2023.
- [New Hampshire SB157](#) defines who may conduct an audit as a team including an individual who has “...been trained by the secretary of state in the audit process and the use of audit equipment,” as well as an elected official. The bill also provides that the secretary of state may include technical experts in the audit team to assist with the technology being used.
- [New York A3512](#) would create new audit requirements and provides that the state boards of elections may contract with an election auditing entity that “must meet standards to ensure its independence.”
- [Oregon HB3448](#) defines an entity qualified to conduct an audit as one with “significant experience conducting election audits... [and that is] based outside of Oregon and does not employ any individuals who reside in Oregon.”
- [North Carolina H372](#) would require the state to “implement best practices to ensure, at a minimum, each audit ... [i]s conducted by nonpartisan officials with expertise in elections.”
- [Utah HB0155](#) would have allowed the state to contract with a “qualified independent accounting firm” for the purposes of assisting in an audit of the election system and election results.

Bills related to qualifications for election auditors in 2023

Enacted Introduced

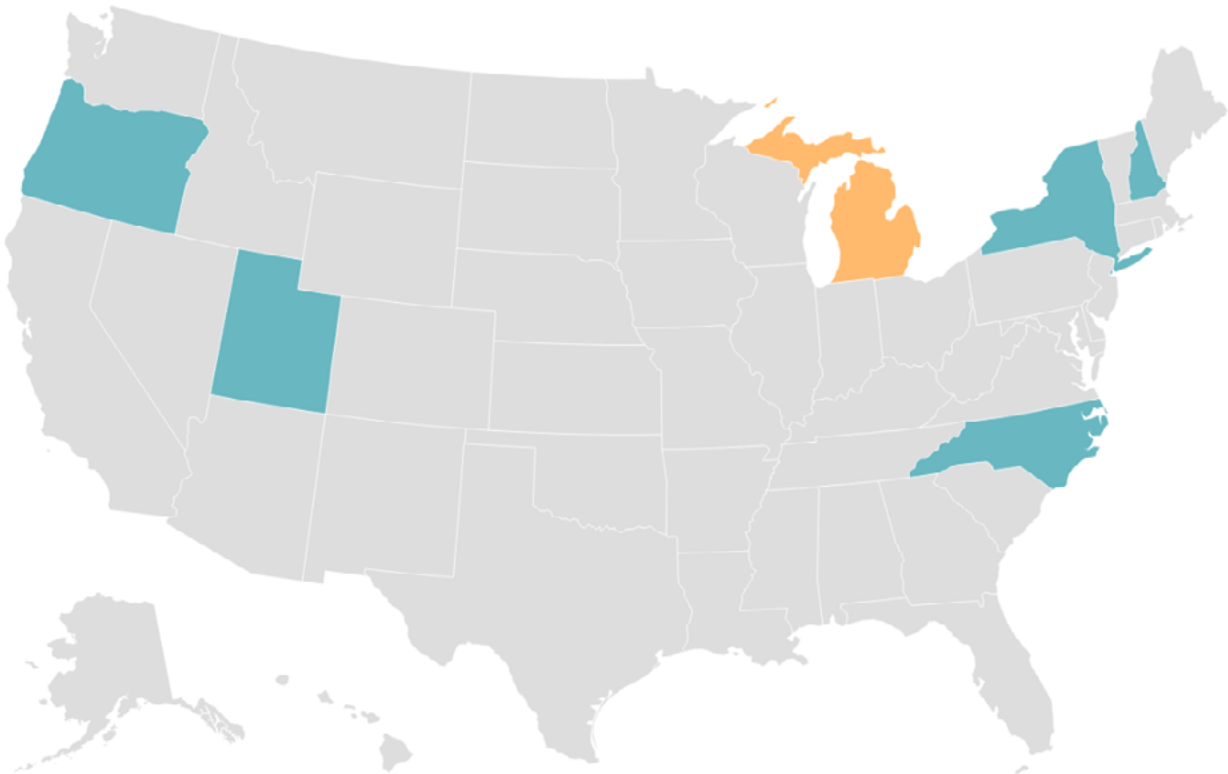


Photo ID requirements for in-person voting

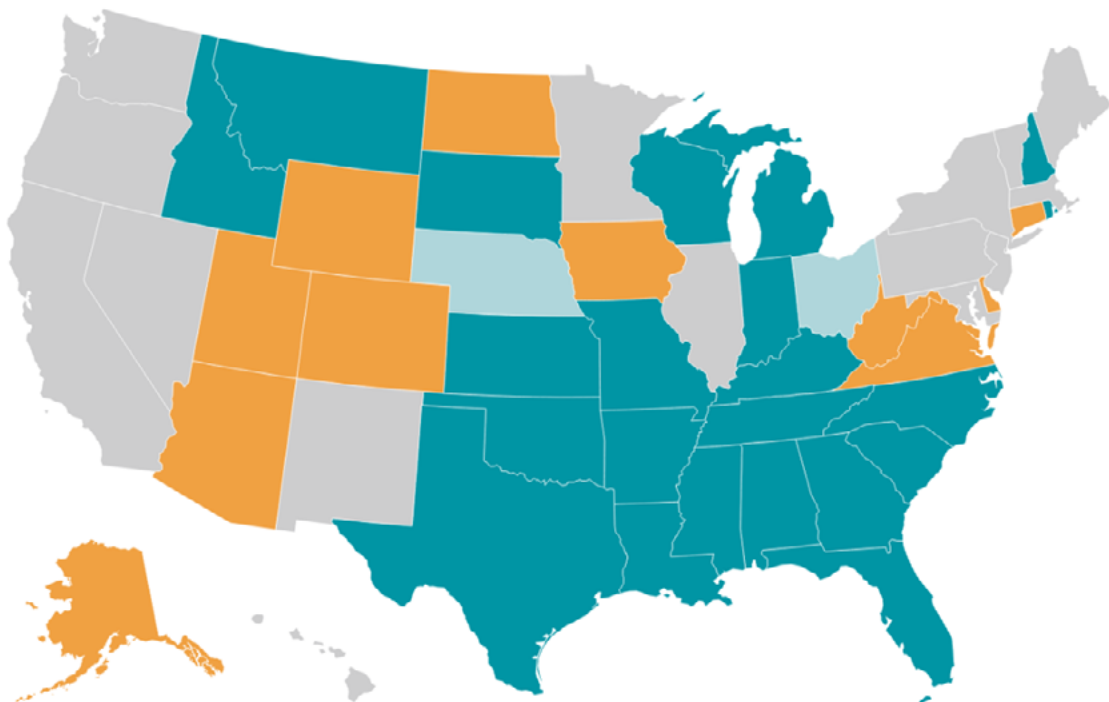
Federal law requires voters to provide either a driver's license number or the last four digits of their Social Security number when registering to vote in a federal election. It also requires certain first-time voters who register to vote by mail to provide additional identification before voting. States with voter identification laws require voters to present some form of identification for in-person voting, as well. Some of those states require voters to present **photo identification** at the polls.

Heading into 2023, 22 states required voters to provide photo ID when voting in person.

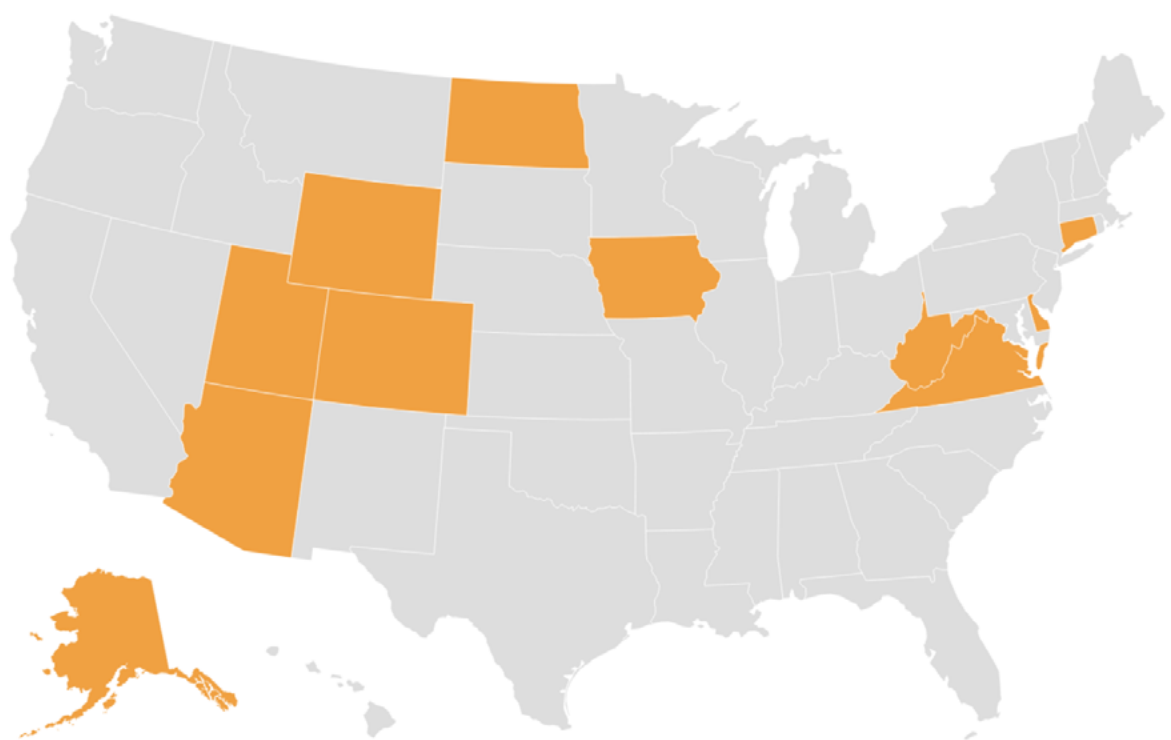
Nebraska and Ohio enacted new voter ID requirements in 2023. Wyoming and Michigan added new types of acceptable identification.

Status of photo ID requirements for in-person voting as of December 2023

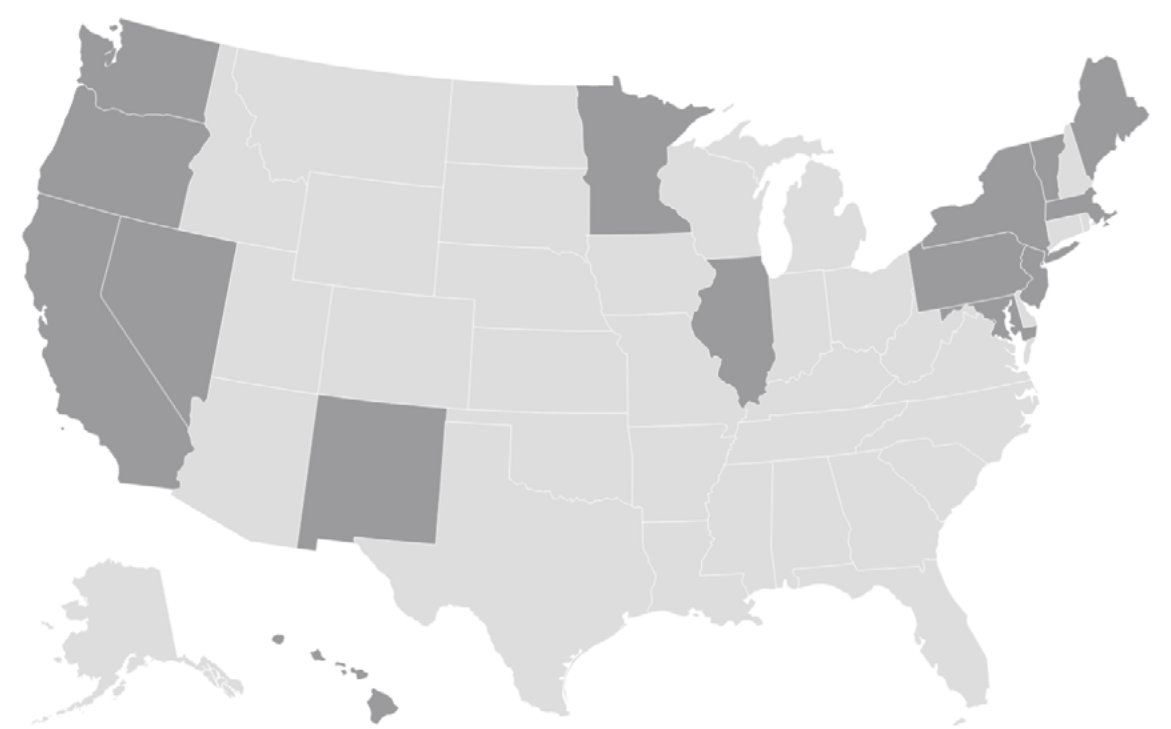
- No ID required; some exceptions for specific circumstances
- Non-photo ID required
- New photo ID requirement enacted in 2023
- Photo ID required; some exceptions or alternatives may be allowed



States where non-photo ID is required for in-person voting



States where voter ID is not required for in-person voting



No ID required; some exceptions for specific circumstances

States where photo ID is required for in-person voting

- New photo ID requirement enacted in 2023
- Photo ID required; some exceptions or alternatives may be allowed

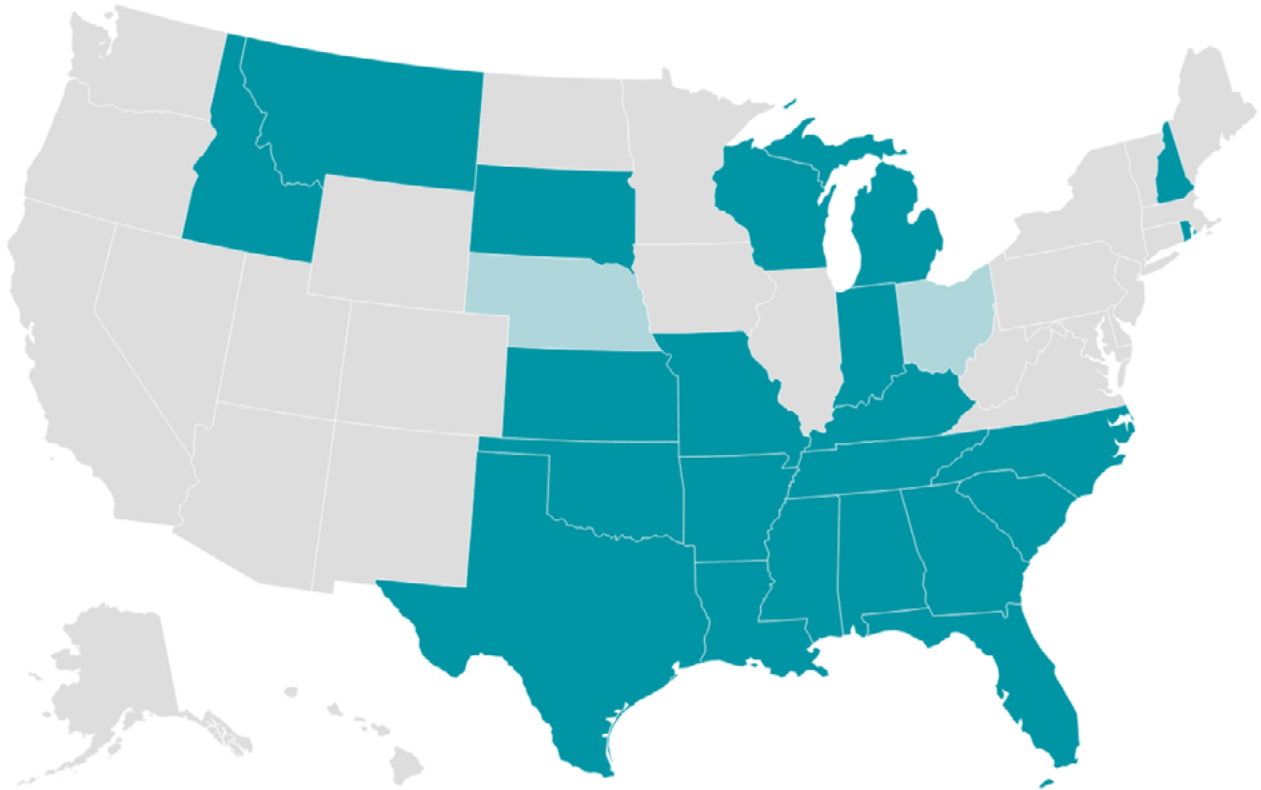
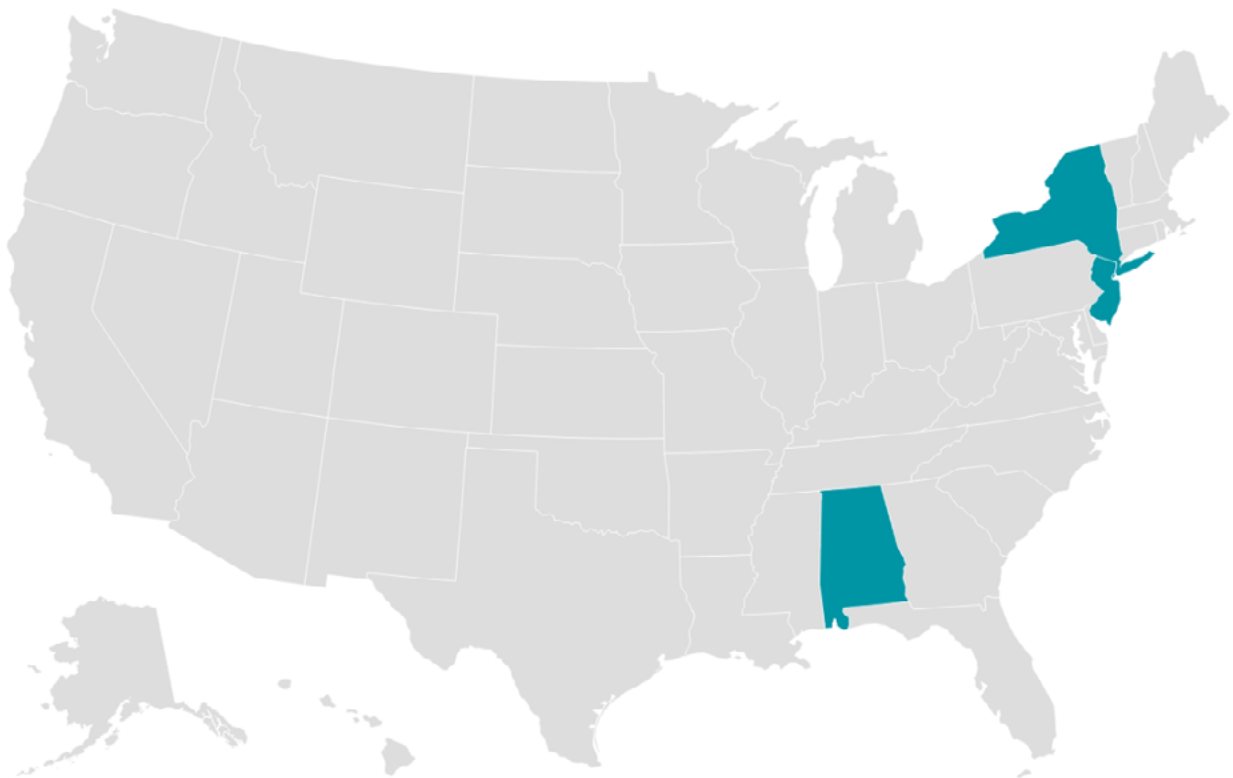


Photo-ID for absentee & mail-in voting

One state, North Carolina, currently requires voters to include a copy of their photo ID when returning an absentee/mail-in ballot. North Carolina's requirement took effect in 2023 after nearly five years of legal challenges delayed implementation.

Republican legislators in three states—Alabama, New Jersey, and New York—introduced bills that would require voters to include a copy of their photo ID when returning an absentee/mail-in ballot. The bills introduced in Alabama and New Jersey included exemptions for certain voters, including uniformed and overseas voters, voters with disabilities, and elderly voters. The New Jersey bill also included an exception for voters with religious objections to being photographed.

Bills introduced in 2023 requiring a copy of photo ID when returning an absentee/mail-in ballot



Democratic trifectas: CA, CO, CT, DE, HI, IL, ME, MD, MA, MI, MN, NJ, NM, NY, OR, RI, WA
Republican trifectas: AL, R, FL, GA, ID, IN, IA, MS, MO, MT, NE, NH, ND, OH, OK, SC, SD, TN, TX, UT, WV, WY

Noncitizen voting

In 1996, the U.S. Congress passed a law prohibiting **noncitizens** from voting in federal elections. This does not apply to state and local elections. As of December 2023, eight states specify that noncitizens may not vote in state and local elections: Alabama, Arizona, Colorado, Florida, Idaho, Louisiana, North Dakota, and Ohio. The District of Columbia and municipalities in California, Maryland, and Vermont allow noncitizens to vote in local elections.

Seven states introduced constitutional amendments requiring all voters to be U.S. citizens, and six states introduced bills requiring proof of citizenship to register to vote or prohibiting noncitizen voting. Five states introduced bills prohibiting consideration of citizenship for voter registration or explicitly allowing noncitizens to vote in certain elections. One state, Idaho, passed a ban on noncitizen voting this year, while one other state, Vermont, expanded noncitizens' eligibility to vote in certain elections.

Bills related to noncitizen voting introduced as of December 2023

